IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 23RD NOVEMBER 2006 / 2ND AGRAHAYANA 1928

WP(C).No. 30518 of 2006(G)

PETITIONER:

RAJU, AGED 52 YEARS,
S/O.JOSEPH, THANNIMOOTTIL HOUSE,
PUSHPA VIHAR COLONY, NADATHARA P.O.,
THRISSUR.

BY ADV. SRI.DINESH MATHEW J.MURICKEN

RESPONDENTS:
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1. STATE OF KERALA,
REP. BY ITS SECRETARY,
LOCAL ADMINISTRATION, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THRISSUR CORPORATION,
REP. BY ITS SECRETARY,
THRISSUR.

BY ADV. SRI.K.B.MOHANDAS, SC, THRISSUR CORPORATION
SR.GOVERNMENT PLEADER SRI.MATHEW G.VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE,J.

W.P.(C) NO.30518 OF 2006

Dated this the 23rd day of November, 2006

J U D G M E N T

Petitioner who is conducting a bunk shop in Sakthan Thamburan Market in Trichur Corporation prays that the second respondent Corporation be directed to permit him to continue to run the bunk shop.

2. Heard the submissions of Sri.Dinesh Mathew J.Murikan, counsel for the petitioner and those of Sri.K.B.Mohandas, learned standing counsel who has taken notice on behalf of the 2nd respondent.

3. Mr.Mohandas would submit that the petitioner was unsuccessful in the Civil Court and that even the second appeal which is referred to in Exhibit P1 has been finally dismissed against him and therefore this court will not be justified in granting any sort of relief to the petitioner. Notwithstanding the emphatic submissions of Mr.Mohandas, I am of the view that since Exhibit P2 has been submitted to the Corporation and the reason stated in Exhibit P1 for not interfering with the conduct of business so far is the pendency of the second appeal before this

court, nothing shall prevent the corporation from disposing of Exhibit P2 by passing appropriate orders since the second appeal is over. Accordingly, without expressing any opinion regarding the merits of the grounds raised by the writ petitioner in relation to his right to continue conduct of business, this writ petition will stand disposed of with the following directions.

The 2nd respondent will take up Exhibit P2, hear the petitioner, consider the same in the light of the various grounds raised in the writ petition (and other materials including the judgment of this court in second appeal) and take a decision. Decision as ordered above shall be taken by the 2nd respondent at its earliest, and at any rate within one month of receiving copy of this judgment. I clarify once again that I have not expressed any opinion on the grounds raised and that it will be open to the 2nd respondent to take any correct decision.

PIUS C.KURIAKOSE, JUDGE

Rp